

## STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0124818; AI 75733; PER20090001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
P. O. Box 4313  
Baton Rouge, Louisiana 70821-4313

- I.     **THE APPLICANT IS:**           Philo's Fisherman's Supply  
  1304 Saint Charles St.  
  Houma, LA 70360
  
- II.    **PREPARED BY:**               Rachel Davis
  
- DATE PREPARED:**           November 10, 2009
  
- III.   **PERMIT ACTION:**           Issue LPDES permit LA0124818, AI 75733; PER20090001  
  
  LPDES application received: June 15, 2009

### IV.    **FACILITY INFORMATION:**

- A.     The application is for the discharge of treated sanitary wastewater from a privately owned treatment works serving a gas station with convenience store and seafood restaurant.
  
- B.     The permit application does not indicate the receipt of industrial wastewater.
  
- C.     The facility is located at 1304 Saint Charles St. in Houma, Terrebonne Parish.
  
- D.     The treatment facility consists of a 6,000 GPD sewage treatment plant and a solid separator for the boil water.

#### E.     Outfall 001

Discharge Location:   Latitude 29° 35' 12" North  
  Longitude 90° 44' 43" West

Description:           treated sanitary wastewater

Expected Flow:        (9 employees x 20 GPD+ 58 restaurants seats x 35 GPD+ 6 lounge seats 25 GPD + 3 video poker machines x 100 GPD + 12 fueling points x 250 GPD) = 0.0056 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

#### Outfall 002

Discharge Location:   Latitude 29° 35' 12" North  
  Longitude 90° 44' 43" West

Description:           seafood boil water

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Expected Flow: 0.0005 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

**V. RECEIVING WATERS:**

The discharge is into a parish drainage ditch, thence into Bayou Black in segment 120202 of the Terrebonne Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 120202 of the Terrebonne Basin are as indicated in the table below<sup>1/</sup>:

Degree of Support of Each Use						
Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
N/A	N/A	N/A	N/A	N/A	N/A	N/A

<sup>1/</sup>The designated uses and degree of support for Segment 120202 of the Terrebonne Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

**VI. ENDANGERED SPECIES:**

The receiving waterbody, Subsegment 120202 of the Terrebonne Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 24, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

**VII. HISTORIC SITES:**

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

**VIII. PUBLIC NOTICE:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

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Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Ms. Rachel Davis  
 Water Permits Division  
 Department of Environmental Quality  
 Office of Environmental Services  
 P. O. Box 4313  
 Baton Rouge, Louisiana 70821-4313

**IX. PROPOSED PERMIT LIMITS:****Final Effluent Limits:**

Subsegment 120202, Bayou Black – Intracoastal Waterway to Houma, is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 120202 was previously listed as impaired for Organic Enrichment/Low DO, Nitrate/Nitrite, and Phosphorus for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 120202:

*Final Middle Terrebonne TMDL for DO & Nutrients*

Per the TMDL, "Because no reductions were required, it is assumed that the point sources may discharge at their permitted concentration level and not make any deleterious effect on water quality." Therefore, the facility will be permitted according to current water quality regulations.

**OUTFALL 001**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
BOD <sub>5</sub>		30 mg/l	45 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP) for facilities of this treatment type and size.

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
TSS		30 mg/l	45 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

**OUTFALL 002**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
BOD <sub>5</sub>	---	---	Report	Based on BPJ with existing permits with similar outfalls
TSS	---	---	Report	Based on BPJ with existing permits with similar outfalls
Oil and Grease	---	---	Report	Based on BPJ with existing permits with similar outfalls

**Other Effluent Limitations:****1) BEST MANAGEMENT PRACTICES (BMP) TO CONTROL SOLIDS IN EFFLUENT**

The permittee shall ensure that any solids that could not pass through a 1/2-inch sieve screen are prevented from entering the discharge. The permittee shall develop techniques to reduce the flow of suspended solids into the receiving waterbody. This may include such techniques as allowing settling time and removing settled solids by pump from the tank bottoms prior to discharge or installing a stand pipe in the tank bottoms to prevent settled solids from flowing into the discharge. Solids removed from the tanks shall be disposed as other putrescible waste.

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**2) BMP'S FOR WASHDOWN WASTEWATERS**

For facilities discharging wastewaters from dock washdown (with or without soaps and/or detergents), the following BMPs shall be implemented and shall be documented in a written plan which is maintained onsite at the facility (and provided to this Office upon request).

- a. All washing shall be conducted either without soaps and detergents or with biodegradable soaps used in minimal amounts. The use of non-biodegradable or emulsifying soaps and detergents, cleaners containing potentially hazardous chemicals, and solvents is prohibited.
- b. If the washing activity takes place on an impermeable surface (such as concrete or asphalt paving), the area where the washing operation is to be conducted and the subsequent drainage path shall be swept clean of dirt and other dry substances immediately prior to commencing the washing operation.
- c. Any spills, drips of fluids, or other contamination to the washing area and the subsequent drainage area shall be picked up by dry means prior to the beginning of the washing operation. The use of detergents, emulsifiers, or dispersants to clean up spilled contaminants is prohibited except where necessary to comply with State and Federal safety regulations (e.g., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

**X. ENFORCEMENT AND SURVEILLANCE ACTIONS:****A) Inspections**

A review of the files indicates the following inspections were performed during the period beginning **September 2007** and ending **September 2009** for this facility.

Date: January 3, 2008

Inspector: Donald Koetting

Findings and/or Violations:

1. The facility does not have a discharge permit for the restaurant and gas station

**B) Compliance and/or Administrative Orders**

A review of the files indicates the following most recent enforcement actions administered against this facility:

**LDEQ Issuance:**

Docket #: WE-C-08-0600

Date Issued: May 14, 2009

Findings of Fact:

1. Respondent does not have an LPDES permit or any other authority to discharge wastes or any other substances to waters of the state
2. Respondent was served with a NOD for unauthorized discharge of wastewater. NOD required the respondent to submit a complete LPDES permit application
3. File Review conducted by the Department on April 1, 2009 revealed the respondent failed to apply for a permit.

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## Order:

1. Complete LPDES notice of intent must be submitted to the Department with in 30 days of receipt of this order
2. DMRs should be submitted following the specific monitoring period in the compliance order
3. Submit a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken to achieve compliance.

**C) DMR Review**

No DMR reports have been submitted for the facility because this is an initial permit.

**XI. ADDITIONAL INFORMATION:**

The Louisiana Department of Environmental Quality (LDEQ) reserves the right modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's, if the effluent standard, limitations, water quality studies or TMDL's so issued or approved

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** as shown in the permit are standard for facilities of flows between **0.004** and **0.020** MGD.

Effluent CharacteristicsMonitoring Requirements

	<u>Measurement</u>	<u>Sample</u>
	<u>Frequency</u>	<u>Type</u>
Flow	1/week	Measure
BOD <sub>5</sub>	1/quarter	Grab
Total Suspended Solids	1/quarter	Grab
Fecal Coliform Bacteria	1/quarter	Grab
pH	1/quarter	Grab

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**XIII. TENTATIVE DETERMINATION:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a new permit for the discharge described in this Statement of Basis.

**XIV. REFERENCES:**

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Philo's Fisherman's Supply, Philo's Fisherman's Supply, June 15, 2009.